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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,134	05/31/2005	Walter Zumbach	P/1336-195	2319

2352 7590 04/10/2007  
OSTROLENK FABER GERB & SOFFEN  
1180 AVENUE OF THE AMERICAS  
NEW YORK, NY 100368403

EXAMINER
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SUTTON, ANDREW W

ART UNIT	PAPER NUMBER
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3765

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/528,134

Applicant(s)

KOLTON, CHESTER

Examiner

Andrew W. Sutton

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 16, 17, 21, 22 and 27-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Moscato (US 5,636,774). Moscato illustrates a dressing aid comprising a mounting portion 2 mounting a portion for at least partially slipping on the article of clothing, further including an expanding mechanism 5 expanding mounting portion 2 thereby widening the article of clothing with the dressing aid further comprising a locking means 10 (screw) which would prevent the contraction of the mount portion 2 when clothing is mounted.

As to claim 17, Moscato illustrates two legs (each side) 1 that is hinged to connection member 7 via expanding mechanism 5.

As to claim 21, Moscato illustrates (Fig. 1) a locking screw 10 that is rotatable, and would be lockable by disengaging the motor 9.

As to claim 22, Moscato illustrate the two legs 1 having being an a rounded form.  
17.

As to claim 27, Moscato illustrates (Fig. 1) a dressing aid with one opening between the two (each side) spread guides for expanding (via expanding portion 2) an article of clothing while being worn.

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As to claim 28, Moscato illustrates (Fig. 1) guide portions 2 rigidly connected to a center portion and a recess provided between the guide portion, which is capable of being moved toward the heel along the an Achilles tendon for removing an article of hosiery.

As to claim 29, Moscato illustrates (Fig. 1) guide portions 2 having an approximately mirror-symmetrical shape with an essentially circular contour.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moscato (US 5,636,774). Moscato teaches the device substantially above. Moscato does not teach an adjustable length of the legs adaptable to the size of the garment. However, it would have been obvious to one of ordinary skill in the art provide adjustable legs to allow the legs to be used with a wide range of garments.

Claims 18-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moscato (US 5,636,774) in view of Barton (US 4,765,520). Moscato teaches the device substantially above. Moscato does not teach footwear-donning device with bows placed on the legs. Barton illustrates a stocking expanding device including a expanding an expanding ring located at the top. Barton illustrates the mounting portion

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including U shaped bows 30 and 66. It would have been obvious to one of ordinary skill in the art to combine the sock device of Moscato with the bows of Barton to provide a better grasp of the stocking

As to claim 18 and 19, Barton illustrates the mounting portion including U shaped bows 30 and 66.

As to claim 20, Barton illustrates the mounting portion comprising an intermediate portion that including two bows U shaped bows 30 and 66.

As to claim 22, Barton illustrates the legs 12 and 48 being rounded on the end.

Claims 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Moscato (US 5,636,774) in view of Hagman (US 4,516,704). Moscato teaches the device substantially above. Moscato does not teach the handle having an adjustable length. Hagman illustrates in Fig. 1 a sock-donning device including a handle with an adjustable length. It would have been obvious to one of ordinary skill in the art to combine the device of Moscato with the handle of Hagman to provide a more compact structure.

Claims 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Moscato (US 5,636,774) in view of Smith (US 3,692,217). Moscato teaches the device substantially above. Moscato does not teach the use of retaining means (catch hooks) to allow additional attachment of the clothes. Smith teaches a stocking device with two legs 13 and additional hooks 17 and 18. It would have been obvious to one of ordinary skill in the art to combine the teachings of Moscato and Smith to provide a better grip of the stockings to the legs.

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**Conclusion**

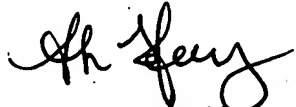
The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form PTO-892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew W. Sutton whose telephone number is (571) 272-6093. The examiner can normally be reached on Monday - Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary L. Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AWS  
1 April 2007

  
ALISSA HOEY  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3700